

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT D. SAYRE,

Plaintiff,

v.

CUSTOMERS BANK,

Defendant.

CIVIL ACTION
NO. 14-3740

ORDER

AND NOW, this 29th day of May 2015, upon consideration of Defendant's Motion to Dismiss the Amended Complaint (Doc. No. 26), Plaintiff's Response in Opposition to Defendant's Motion (Doc. No. 29), the arguments of counsel at the hearing on Defendant's Motion held December 22, 2014, and in accordance with the Opinion of the Court issued this day, it is **ORDERED** as follows:

1. Defendant's Motion to Dismiss Count I of the Amended Complaint is granted in part and denied in part. Plaintiff's claim in Count I that Defendant violated the Pennsylvania Loan Interest and Protection Law ("Act 6"), 41 Pa. Stat. Ann. §§ 101-605, by collecting payments on Plaintiff's mortgage loan (Doc. No. 22 ¶ 62) is dismissed. Plaintiff's claims in Count I that Defendant violated Act 6 by collecting attorney's fees and an appraisal fee (*id.* ¶¶ 55-61) are not dismissed.
2. Defendant's Motion to Dismiss Count II of the Amended Complaint is granted in part and denied in part. Plaintiff's claim in Count II that Defendant violated the Pennsylvania Unfair Trade Practices and Consumer Protection Law ("UTPCPL"), 73 Pa. Stat. Ann. §§ 201-1 to -3, by collecting payments on Plaintiff's mortgage loan (Doc. No. 22 ¶ 66) is dismissed. Plaintiff's claims that Defendant violated

the UTPCPL by collecting attorney's fees and an appraisal fee (id. ¶¶ 63-65) are not dismissed.

3. Defendant's Motion to Dismiss Counts III, V, VI, and VII of the Amended Complaint is granted. Counts III, V, VI, and VII of the Amended Complaint are dismissed.
4. Defendant's Motion to Dismiss Count IV of the Amended Complaint is denied.
5. Defendant shall file an Answer to the remaining claims in the Amended Complaint (Doc. No. 22) within twenty days from the date of this Order.

BY THE COURT:

/s/ Joel H. Slomsky, J.
JOEL H. SLOMSKY, J.